

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

Clerk's Minutes

Before the Honorable Chief Judge William P. Johnson

Case No.: CR18-2945 WJ

Date: 3/28/2023

Parties: USA v. Leveille, et al.

Courtroom Clerk/Law Clerk: R. Garcia/Emily Franke, Jena Ritchey, William Suess

Court Reporter: M. Loughran

Interpreter: N/A

Type of Proceeding: Hearing on Standing to bring motion(s) to suppress

Place of Court: Albuquerque

Total time in Court: 5 hours and 40 minutes

Evidentiary Hearing: YES

Attorneys Present for Plaintiff(s):

Kimberly Brawley, Jackson Hall

Attorneys Present for Defendant(s):

Aric Elsenheimer, Angelica Hall, Marc Robert, Thomas Clark, Donald Kochersberger, Marshal Ray, Ryan Villa, Justine Fox-Young, and Lucas Morton appearing pro se, with stand-by counsel, Joseph Shattuck.

Proceedings:

9:07 Court in session; counsel enter appearances; defendants present.

Mr. Ray addresses the Court; the parties have discussed exhibits and will stipulate to all exhibit proffered:

Defendants' exhibits A – P and Government's exhibits 1 – 14, and 15, 16 (recordings); Court admits exhibits A – P and Government exhibits 1 – 14, and 15, 16 (recordings).

Mr. Robert calls Craig Martin as a witness; witness sworn.

Direct by Mr. Robert; witness referred to Exhibits O, C, and C1; C1 offered for admittance; Court admits exhibit C1.

9:22 Cross examination by Mr. Hall.

9:25 Redirect by Mr. Robert.

9:26 Court questions the witness.

9:28 Redirect by Mr. Ray.

9:29 Witness excused.

Bench conference re next witness.

9:36 Court seals courtroom.

Direct examination by Ms. Fox-Young.

9:38 Court returns to open session.

Ms. Fox-Young continues directs examination; witness referred to Exhibit C, D, I, J, 15, L, L1 (note giving directions from Mr. Badger); offered; w/out objection, the Court admits Exhibit L1; L2 (Dismissal Notice); offered for admittance; w/out objection, the Court admits L2.

11:01 Court takes break.

11:20 Court back in session.

Cross examination by Mr. Hall.

11:54 Redirect by Ms. Fox-Young.

11:59 Witness excused.

Court breaks for lunch to return at 1:00.

1:05 Mr. Villa calls Christopher Stachura as a witness; witness sworn.

Direct by Mr. Villa; witness referred to Exhibit I.

1:31 Cross examination by Ms. Brawley; witness referred to Exhibits H, I, L.

1:45 Redirect by Mr. Villa.

1:49 Witness excused.

Mr. Ray calls Sgt. Jason Rael as a witness; witness sworn.

Direct by Mr. Ray; witness referred to Exhibit M, N.

2:23 Cross examination by Ms. Brawley; witness referred to Exhibit 12.

2:42 Redirect by Mr. Ray.

2:51 Witness excused.

Mr. Villa calls Jerry L. Hogrefe as a witness; witness sworn.

Direct by Mr. Villa; witness referred to document 47-1 filed in Taos County (Affidavit for Search Warrant).

3:09 Cross examination by Mr. Hall.

3:13 Witness excused.

Court takes a short break.

3:28 Ms. Fox-Young calls Defendant, Lucas Morton, as a witness; witness sworn.

Direct by Ms. Fox-Young.

3:31 Cross examination by Ms. Brawley; witness referred to Exhibit 14, 15.

3:48 Witness excused.

Mr. Hall calls FBI SA Travis Taylor; witness sworn.

Direct by Mr. Hall; witness referred to Exhibits 2, 3, 8, 11, 4, 5.

4:01 Cross examination by Mr. Villa.

4:04 Redirect by Mr. Hall.

4:05 Witness excused.

The Court and counsel discuss how to proceed re final arguments; court will allow the parties to supplement their findings of fact and conclusions of law, once a transcript has been prepared, and that can serve as the parties' final argument; Ms. Fox-Young requests 14 days to submit supplements/closing arguments; Court agrees and notes both parties are to submit supplements/final arguments within 14 days from filing of the transcript.

4:07 Court in recess.

WITNESS/EXHIBIT LIST

| | | |
|---|--|--|
| | | CR18-2945 WJ |
| Plaintiff's Attorney: Kimberly Brawley and Jackson Hall | Defendant's Attorney: Aric Elsenheimer, Angelica Hall, Marc Robert, Thomas Clark, Donald Kochersberger, Marshal Ray, Ryan Villa, and Justine Fox-Young, Lucas Morton appearing pro se with stand-by counsel, Joseph Shattuck | United States District Court District of New Mexico |
| | | Trial/Hearing Date(s): 3/28/23 |
| Presiding Judge: William P. Johnson | Court Reporter: M. Loughran | Courtroom Deputy: R. Garcia |

| Exh. No. | Witness | Date Off. | Obj. | Adm. | Description of Exhibits* |
|----------|-----------------------------|-----------|------|------|--|
| O | C. Martin | 3/28/23 | | X | Video of property area |
| C | " | " | | X | Map of property lots |
| C1 | " | " | | X | Map of property with notation |
| D | J. Badger | " | | X | Warranty Deed |
| I | " | " | | X | Real Estate Sale and Purchase Agreement |
| J | " | " | | X | Photos of structures, etc. at property |
| 15 | " | " | | X | Text message(s) |
| L | " | " | | X | Petition by Owner for Restitution |
| L1 | " | " | | X | Note giving directions written by Mr. Badger |
| L2 | " | " | | X | Dismissal Notice |
| | Mr. Stachura | " | | | |
| M | Sgt. J. Real | " | | X | Drone photo of property |
| 12 | " | " | | X | Civil Process Worksheet |
| | Under Sheriff R. Hogrefe | " | | | |
| | L. Morton | " | | | |
| 2 | SA T. Taylor | " | | X | Taos County Assessor Map |
| 3 | " | " | | X | Quit Claim Deed |
| 8 | " | " | | X | Memorandum of Contract |
| 11 | " | " | | X | Sole and Separate Agreement |
| 4 | " | " | | X | Warranty Deed |
| 5 | " | " | | X | Costilla Meadows Lot description |
| | | | | | |
| | | | | | |